

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

UNITED STATES OF AMERICA,

v.

Criminal No.: 3:22CR113

RASHON TORRENCE,

Defendant.

TRIAL BRIEF

Comes now the Defendant, Rashon Torrence, by counsel, and for his Trial Brief, sets forth the following:

1. Defendant is charged with possession of a firearm and ammunition under 922(g)(1).
2. The elements require the United States to prove:
 - a. That the item recovered was, by definition, a firearm and/or ammunition;
 - b. That the firearm and/or ammunition traveled and/or affected interstate commerce;
 - c. That the defendant had been convicted of a crime punishable by imprisonment for a sentence exceeding one year;
 - d. That the defendant possessed the firearm knowingly and intentionally.
3. More than likely, counsel will stipulate the issue of commerce, the felony conviction and that the firearm and/or ammunition fall within the stated definitions.
4. The issue will be whether the defendant knowingly and intentionally possessed the firearm and/or ammunition.

FACTS

The facts generally are that the Richmond Police Officer Gomez and a passenger officer Dankos were patrolling or observing the Northside area close to the Henrico county line, when a

Honda Ridgeline came by them at a high rate of speed. Gomez gave chase. The Ridgeline eventually stopped at an intersection and the defendant, who was the driver, fled on foot. After a roughly 100 yard chase, the defendant attempted to cut into a thick "bamboo forest" which he was unable to navigate based on the density and either fell or was pushed by the officer from behind. The officer then attempted to detain the defendant at the edge of the bamboo, or slightly within the edge of the bamboo. The defendant resisted. The defendant was able to twist away from the officer and another short foot chase ensued.

The officer, within approximately another block, was able to regain control of the defendant insofar as the defendant became tired and stopped running. After additional officers arrived in order to assist, Officer Gomez went back to the bamboo at which point he found a loaded Ruger 9mm firearm in the general location where the defendant had attempted to enter the bamboo during his initial flight.

The officer has stated that the defendant, while running, was running with his right hand holding his waistband area. The officer further stated that he observed the defendant make a throwing motion near the bamboo. The government has engaged an expert to slow the body camera footage of Officer Gomez down to still frames in an effort to characterize images as the throwing motion and the firearm. Forensic tests fail to reveal any fingerprints or DNA attributable to the defendant on either the firearm or the magazine.

Respectfully Submitted,

Rashon Torrence

By: _____/s/ _____
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CERTIFICATE OF SERVICE

I hereby certify that this ____ day of January, 2023, I will electronically file the foregoing the Clerk of the Court using the CM/ECT system which will then send a notification of such filing (NFE) to Jessica Wright, 919 E. Main Street, Suite 1900, Richmond, Virginia 23219.

By: _____/s/_____

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